



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,393	01/31/2001	Anoop Gupta	418268854US	7988
45979	7590	11/25/2008		
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER SHEPARD, JUSTIN E	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/775,393	Applicant(s) GUPTA, ANOOP	
	Examiner Justin E. Shepard	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22, 24-26, 28, 33, 35, 36 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-22, 24-26, 28, 33, 35, 36 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner searched the published application and did not find any description of setting an access level for a second user. The applicant is invited to point to a place in the specification that this limitation is disclosed if the examiner is in error and the rejection will be withdrawn.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

Art Unit: 2424

possession of the claimed invention. The examiner searched the published application and did not find any description of searching for comments. The applicant is invited to point to a place in the specification that this limitation is disclosed if the examiner is in error and the rejection will be withdrawn.

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner searched the published application and did not find any description of the synchronization point occurs at different amounts of time after the beginning of different versions of the multimedia program, and paragraph 65 of the applicant's specification seems to teach the opposite. The applicant is invited to point to a place in the specification that this limitation is disclosed if the examiner is in error and the rejection will be withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-19, 24-26, 28, 33, 35, 36, and 39-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims

Art Unit: 2424

refer to a method without being associated with a corresponding apparatus or system that would meet the statutory bar.

Claims 19, 28, and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The specification discloses that the computer readable medium could be a wave or signal, which is not statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Sumita in view of Morris.

Referring to claim 16, Morrison discloses a method of rendering portions of a television program, the method comprising:

receiving meta data corresponding to the television program (figure 6, part 605), wherein the meta data identifies television program (column 3, lines 25-30) and, the meta data being organized into sets of meta data for the television program (column 3, lines 25-30); and

receiving from the second viewer input search criteria relating characteristics of the television program (column 3, lines 25-30);

searching the received meta data of the selected set of meta data to locate meta data that satisfies the input search criteria (column 3, lines 25-30);

rendering to the second viewer the selected portions of the television program (column 1, lines 44-48).

Morrison does not disclose a method wherein the metadata identifies portions within the television program having certain characteristics; and

the metadata having been provided by first viewers of the television program;

for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data;

selecting portions of the television program that are identified by located meta data; and

so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access.

In an analogous art, Sumita teaches a method wherein the metadata identifies portions within the television program having certain characteristics; and selecting portions of the television program that are identified by located meta data (column 4, lines 43-47; column 11, lines 8-22; figure 23).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed

by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Morrison and Sumita do not disclose a method the metadata having been provided by first viewers of the television program; for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data; so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access.

In an analogous art, Morris teaches a method the metadata having been provided by first viewers of the television program; for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data; so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access (figure 1; paragraph 31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the user created metadata taught by Morris to the system disclosed by Morrison and Sumita. The motivation would have been to enable users in different areas to not have access to EPG meta data that does not pertain to the channels they receive.

Referring to claim 17, Morrison discloses a method as recited in claim 16, wherein the selecting comprises locating a next occurrence of user input search criteria in the meta data and determining a location of the television program corresponding to the next occurrence in the meta data, and wherein the rendering comprises beginning playback of the television program at the determined location (column 3, lines 51-53; figure 2, part 202).

Referring to claim 18, Morrison does not disclose a method as recited in claim 16, wherein the selecting comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions.

Sumita discloses a method as recited in claim 16, wherein the selecting comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions (column 4, line 43-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Referring to claim 19, Morrison discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 16 (figure 4).

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Sumita.

Referring to claim 20, Rangan discloses a system comprising:
a storage device (figure 12, part 131) to store a plurality of comments corresponding to media content (column 6, lines 6-12);
a comment handler, coupled to the storage device (column 22, lines 28-32), to:
receive comments corresponding to the media content from a plurality of different sources that have viewed the media content (figure 9, part 81; column 16, lines 8-16) and based on a plurality of different versions of the media content (column 5, lines 66-67; column 6, lines 45-47), each comment associated with a temporal location of the media content (column 11, lines 27-30),
store the received comments and identifiers of associated temporal locations on the storage device (column 6, lines 6-16 and 28-33), the comments being stored in a plurality of comment sets (column 9, line 16), and
make the stored plurality of comments available to devices rendering the media content (column 6, lines 6-12); and

Rangan does not disclose a system with a component that receives a request for comments from a viewer, searches the comments of a specified comment set of the

Art Unit: 2424

media content for comments that match the request, and renders to the viewer the portions of media content whose comments match the request.

In an analogous art, Sumita teaches a component that receives a request for comments from a viewer, searches the comments of a specified comment set of the media content for comments that match the request, and renders to the viewer the portions of media content whose comments match the request (column 4, lines 43-47; column 11, lines 8-22; figure 23).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program metadata searching taught by Sumita to the system disclosed by Rangan. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Referring to claim 21, Rangan discloses a system as recited in claim 20, wherein one of the plurality of different versions is a live version and another of the plurality of different versions is a recorded version, and wherein the plurality of comments include both comments to the live version and comments to the recorded version (column 5, lines 66-67).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan and Sumita as applied to claim 21 above, and further in view of Abrams.

Referring to claim 22, Rangan and Sumita do not disclose a system as recited in claim 21, wherein the comments to the live version comprise a live discussion of users viewing the live version.

In an analogous art, Abrams teaches a system as recited in claim 21, wherein the comments to the live version comprise a live discussion of users viewing the live version (column 12, lines 25-29 and 33-35).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the live commenting taught by Abrams to the system disclosed by Rangan and Sumita. The motivation would have been to enable comments to be made on unplanned events such as breaking news.

Claims 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Eldering.

Referring to claim 24, Rangan discloses a method comprising:

allowing comments to be made by a plurality of viewers (column 6, lines 6-16; figure 8) of a plurality of different versions of a program (column 5, lines 66-67; column 6, lines 45-47), wherein viewers do not include authors of the content (figure 8; column 14, lines 36-65);

consolidating the comments by storing the comments in different comment sets (figure 8).

Rangan does not disclose a method wherein each comment set associated with a particular group of viewers; and

Art Unit: 2424

making the comments of a comment set available to subsequent viewers of one of the plurality of different versions of the program or another version of the program by identifying the particular group of viewers that are associated with the comment set, and

making the comments of the comment set available only to viewers of the identified particular group of viewers.

In an analogous art, Eldering teaches a method wherein each comment set associated with a particular group of viewers; and

making the comments of a comment set available to subsequent viewers of one of the plurality of different versions of the program or another version of the program by identifying the particular group of viewers that are associated with the comment set, and

making the comments of the comment set available only to viewers of the identified particular group of viewers (Column 3, lines 14-30).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the comment distribution taught by Eldering to the system disclosed by Rangan. The motivation would have been to enable the system to only target those viewers with a high level of interest, thereby ensuring the comments would be digested.

Referring to claim 25, Rangan discloses a method as recited in claim 24, wherein the consolidating comprises consolidating the comments at a centralized location (figure 8).

Referring to claim 26, Rangan discloses a method as recited in claim 24, wherein the plurality of different versions include one or more of: a version stored on magnetic tape, a version stored on an optical storage device, and a streaming multimedia content version (column 6, lines 45-47).

Referring to claim 27, Rangan discloses a method as recited in claim 24, further comprising: identifying a particular group that the comments correspond to; and making the comments available only to viewers that are associated with the particular group (column 6, lines 6-16).

Referring to claim 28, Rangan discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 24 (column 6, lines 51-56).

Claims 33, 35, 36, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Srinivasan.

Referring to claim 33, Rangan discloses a method comprising:
selecting a synchronization point for a multimedia program (column 11, lines 27-30) such that the selected synchronization point can be identified in each version of the multimedia program based on analysis of content of that version of the multimedia program (column 7, lines 14-25); and

using the synchronization point as a common reference point for the multimedia program (column 22, lines 28-32), wherein the using comprises using the synchronization point as a reference point for a comment received from a viewer of the multimedia program, the comment for sharing with other viewers of the multimedia program (figure 9, part 81; column 16, lines 8-16), such that when each version of the multimedia program is rendered, the synchronization point is identified and the identified synchronization point is used as a reference for the comment (column 6, lines 6-12).

Rangan does not disclose a method wherein the synchronization point occurs at different amounts of time after the beginning of different versions of the multimedia program.

In an analogous art, Srinivasan teaches a method wherein the synchronization point occurs at different amounts of time after the beginning of different versions of the multimedia program (column 31, lines 55-64).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the on-demand media taught by Srinivasan to the system disclosed by Rangan. The motivation would have been to enable the user to view media on their schedule, making them more likely to use the system.

Referring to claim 35, Rangan discloses a method as recited in claim 33, further comprising identifying a reference point that indicates an offset from the synchronization point (column 22, lines 7-12).

Referring to claim 36, Rangan discloses a method as recited in claim 33, wherein the identifying comprises receiving an indication from a source of the multimedia program of the synchronization point (column 22, lines 7-12).

Referring to claim 39, Rangan discloses a method as recited in claim 33, wherein the identifying comprises using, as the synchronization point, a particular frame of the multimedia program (column 22, lines 7-12).

Referring to claim 41, Rangan discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 33 (column 6, lines 51-56).

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan and Srinivasan as applied to claim 39 above, and further in view of Swix.

Referring to claim 40, Rangan and Srinivasan do not disclose a method as recited in claim 39, wherein the particular frame comprises a frame including a title screen of the multimedia program.

In an analogous art, Swix teaches a method as recited in claim 39, wherein the particular frame comprises a frame including a title screen of the multimedia program (column 10, lines 37-40).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the title syncing taught by Swix to the system disclosed by Rangan and

Art Unit: 2424

Srinivasan. The motivation would have been to insert the media in at point where the user would not be annoyed by its intrusion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

/Annan Q Shang/
Primary Examiner, Art Unit 2424